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10/774,670	02/09/2004	Andrea Finke-Anlauff	042933/273645	9433

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EXAMINER

DAYE, CHELCIE L

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/774,670	Applicant(s) FINKE-ANLAUFF ET AL.	
	Examiner CHELCIE DAYE	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9,35-39 and 48-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,35-39 and 48-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/11/09 and 10/7/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's RCE filed on January 18, 2011.
2. Claims 1-9, 35-39, and 48-49 are presented. Claims 50-53 are added and claims 10-34 and 40-47 are cancelled.
3. Claims 1-9, 35-39, and 48-53 are pending.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on January 18, 2011 has been entered.

Information Disclosure Statement

5. The information disclosure statements (IDSs) submitted on 9/11/09 & 10/07/10 were filed before the mailing date of the instant application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Objections

6. Claim 1 is objected to because of the following informalities: the last line of the 2nd limitation should state "the column is one of a plurality of columns". Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 35, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the claims recite "at least one of the media file representations to be enlarged when the scrolling moves... wherein the at least one of the media file representations is enlarged relative to a size of the at least one of the media file representations ...", wherein the examiner believes the claims are trying to say that the media file representation that is being enlarged, is enlarged relative to a size of "*the other*" media file representations.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3, 7-9, 35-37, 39, and 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adcock (US Patent Application No. 2004/0125150) filed December 31, 2002, in view of Anthony (US Patent Application No. 2005/0091596) filed October 23, 2003.

Regarding Claims 1, 35, and 50, Adcock discloses a non-transitory computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions being configured to, when executed, direct an apparatus to:

generate a media view that provides access to at least two digital media files via at least two respective media file representations (**Fig.4; par [0031], Adcock**);

cause the two media file representations to be included within a column associated with a given period of time, wherein the column is one of a plurality of columns (**Fig.4; par [0032], Adcock**)¹;

permit scrolling through periods of time and the associated plurality of columns (**Figs.4&5; par [0031-0034], Adcock**).

However, Adcock is not as detailed with respect to cause at least one of the media file representations to be enlarged when the scrolling moves the at

least one media file representation into a position that is proximate a predefined position within the media view, wherein the at least one of the media file representations is enlarged relative to a size of the at least one of the media file representations when the at least one of the media file representations is at a position that is not proximate the predefined position.

On the other hand, Anthony discloses cause at least one of the media file representations to be enlarged when the scrolling moves the at least one media file representation into a position that is proximate a predefined position within the media view, wherein the at least one of the media file representations is enlarged relative to a size of the at least one of the media file representations when the at least one of the media file representations is at a position that is not proximate the predefined position (**Figs.5 & 12; par [0050], lines 4-11 and par [0081], Anthony**). Adcock and Anthony are analogous art because they are from the same field of endeavor of displaying and organizing of digital images. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Anthony's teachings into the Adcock system. A skilled artisan would have been motivated to combine in order to provide an environment that focuses on primary objects and makes the other objects less prominent, thus enabling a user to more efficiently view, find, and select the desired objects within a GUI.

¹ Examiner Notes: Fig.4 illustrates the days of the week (Sunday - Saturday), which corresponds to the plurality of columns.

Regarding Claims 2 and 36, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to generate the media file representations associated with a period of time proximate a vertical centerline of the media view are enlarged media file representations (**Fig.12; par [0066], Anthony**).

Regarding Claims 3 and 37, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to generate the media file representations within the media view such that media file representations gradually decrease in size as an associated period of time deviates from the predefined position (**Fig.12, Anthony**).

Regarding Claims 7 and 39, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to generate the media file representations within the media view such that a media file representation associated with a period of time proximate a predefined position of the media view and proximate the center point of the predefined position is an enlarged media file representations in comparison to other media file representations in the time period proximate the predefined position (**Figs.12, Anthony**).

Regarding Claim 8, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are configured to direct the apparatus to generate the media file representations within the media view such that a media file representation associated with a time period proximate to the vertical centerline and proximate to a center point within the time period is an enlarged media file representation in comparison to other media file representations in the time period proximate the predefined position (**Fig.12, Anthony**).

Regarding Claim 9, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to generate the media file representations within the media view such that the media file representations associated with a time period proximate to the vertical centerline decrease in size the further that a media file representation deviates from the center point (**Fig.12, Anthony**).

Regarding Claims 48 and 49, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the enlarged media file representations are enlarged relative to media file representations associated with other periods of time (**Fig.12, Anthony**).

Regarding Claims 51-53, the combination of Adcock in view of Anthony, disclose the computer readable storage medium wherein the instructions configured to direct the apparatus to permit scrolling include being configured to permit horizontal scrolling across columns and vertical scrolling within columns (**Figs.4-5, par [0034], Adcock**).

9. Claims 4-6 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adcock (US Patent Application No. 2004/0125150) filed December 31, 2002, in view of Anthony (US Patent Application No. 2005/0091596) filed October 23, 2003, further in view of Yang (US Patent No. 6,301,586) filed October 6, 1997.

Regarding Claims 4 and 38, the combination of Adcock in view of Anthony, disclose all of the claimed features as stated above. However, Adcock in view of Anthony, are not as detailed with respect to cause a selected media file representation from the media view to be displayed in a "pop-up" view format.

On the other hand, Yang discloses a selected media file representation from the media view to be displayed in a "pop-up" view format (**columns 22-23, lines 66-67 and 1-11, respectively, Yang**). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Yang's teachings into the Adcock and Anthony system. A skilled artisan would have

been motivated to combine in order to allow the selected file to be more important.

Regarding Claim 5, the combination of Adcock in view of Anthony, further in view of Yang, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to cause the selected media file representation from the media view to be displayed in the "pop-up" view format, wherein the "pop-up" view format exceeds the size of all other media file representations within the media view (**column 23, lines 29-31, Yang**).

Regarding Claim 6, the combination of Adcock in view of Anthony, further in view of Yang, disclose the computer readable storage medium wherein the instructions are further configured to direct the apparatus to cause the selected media file representation from the media view to be displayed in the "pop-up" view format (**columns 22-23, lines 66-67 and 1-11, respectively, Yang**), wherein the selected media file representation is chosen from the media file representations associated with the period of time proximate to the predefined position (**par [0059-0060], Anthony**).

Response to Arguments

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
January 26, 2011

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Supervisory Patent Examiner, Art Unit 2161